446 696 the Chinese Communists point out clearly that the new regime is going to use the forced-labor system to punish political offenders as well as to achieve the nation's economic plan. This system is practiced in East China as in other regions of Mainland China.

Li Shih-ying, director of the Public Security Department of the Military and Political Committee of East China, in his report (November 1951) on the suppression of counter-revolutionaries, said that the public security and judicial agencies at various levels in East China had followed the call of the Central government to suppress the counterrevolutionaries and had made many arrests. Some of the prisoners who had been "guilty of gross betrayal of the people" were executed; others had had their sentences stayed for two years and had been given a chance at "reform-through-labor."[5] It is estimated in Taiwan that the total number of persons undergoing reform-through-labor from 1949 to 1954 totals 42.3 million.[6] The population of the East China provinces is 27.9 per cent of that of the whole country. If we assume that the proportion of those in forced labor is just about the same as that of the population, then, within five years, the number

5. Chieh-fang Jih-pao [Liberation Daily], Shanghai, Nov. 30, 1951.

6. Fei-ch'ü Nu-kung Kai-shu, [A General Account of Forced Labor in Communist China], Taipei, Sixth Section, Central Committee, the

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that the form of court disposition could be replaced, to the advantage of the young people, by a social process. Accordingly, with the consent of the Secretary-General of the Council, police ceased to send cases of victimised children to the court, except in those instances where an adult was involved, when the court concurrently ruled as to the disposition of the child. All other cases were handed over to the Child Protection Service for the most careful handling possible under the circumstances.

The Chinese court held that the natural parents of a child in every case have a right to the child, whether exploited or otherwise. Instances occurred where a judge handed back to the care of parents girls who had been sold. The court view is based upon the relevant portion of the Civil Code. There is room for a reconsideration either of the law or of its interpretation by the court.

For the majority of those who either had no immediate relatives or were being exploited by relatives other than their parents, placement in an institution frequently represented the only possible adjustment. Every effort was made at once to find relatives or friends of a young person coming into the hands of the Service. If time was allowed to elapse, the chances of finding that link which would perhaps save the child from being alone and adrift forever might be lost. By newspapers, and by using local Chinese methods of advertising near the place where a child had strayed, the vital link was frequently established.

IN 1940, FOR THE FIRST TIME, a complete picture was obtained of the extent of lawbreaking by young people under 18 years of age. In all, 981 appeared in court on criminal charges—899 boys, 82 girls. Of this number 70 per cent were unemployed; 87 per cent were involved in some form of thieving. Twenty-one per cent had previous convictions.

There was no special procedure in the First Special District Court governing the treatment of juvenile offenders. Regulations for a special procedure of the Ministry of Judicial Administration of the Chinese Government exist, but were not in use in Shanghai, or elsewhere in China, so far as is known.[2] In response to the

[2] In Instruction No. 2237, dated May 9, 1936, the Ministry of Judicial Administration of the Chinese Government instructed the courts to temper justice with mercy and understanding in dealing with juvenile delinquents. The articles of instruction

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633 738 736 suggestion, twice brought forward by the Division, that a special procedure should be instituted, the Court expressed its readiness to co-operate, but the police stated they were unable to undertake the necessary segregation of juvenile offenders. The Division believed that in the meantime the increasing knowledge of juvenile delinquency in Shanghai, which its specialists in child protection work had gained, would be of value whenever they would be called on to play a larger part in the disposition of such cases if a special procedure could later be developed.

In 1940 a qualified social worker with special training in the psychological handling of difficult children began to make frequent visits to the municipal reformatory where she interviewed all young delinquents twice, first after their arrival in the reformatory and again just before their release. Of the 334 persons (293 boys and 41 girls) whom she interviewed in 1940, 91 per cent had been convicted of thieving in some form, and 52 per cent were orphans or had only one parent.

Boys who before or after release from the reformatory had no plans were invited to call on the social worker. Of the 201 boys seen in 1940 before their release, 53 sought help. Twenty-three—for the most part younger boys—were placed in institutions. Sixteen were sent to a vocational training school. But many older boys refused to enter institutions. Since it proved unwise to employ these boys in factories immediately upon their release from the reformatory without any rehabilitation period intervening, they were given some little financial assistance with which to start a simple business like peddling or shoemaking. If these boys showed persistence and good will, they were introduced to regular employment.

THE REMOVAL OF YOUNG PEOPLE from institutions[3] and their placement in employment served two purposes. It relieved institu-

[696] in this memorandum show a sympathetic understanding of the necessity for rehabilitation rather than punishment in the treatment of young offenders.

Article 14 reads in part as follows: "When assigning judges to try juvenile cases, the Presidents of the various Courts may not follow the rules regarding the distribution of duties for a Judicial Year, but they may assign a judge to try them from among the judges or procurators of the respective courts who has sufficient experience and mild temper as well as a profound study of the sciences of criminology, psychology, sociology and education."

[3] Standards of work in children's agencies depend on the calibre of their staffs.